

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH MULL, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

GOTHAM DISTRIBUTING
CORPORATION, MVD Entertainment
Group, and OLD SCHOOL VENTURES,
INC., individually and collectively d/b/a
OLDIES.COM

Defendants.

NO. 2:24-cv-06083-GJP

JUDGE GERALD J. PAPPERT

**DEFENDANT MVD ENTERTAINMENT GROUP’S MOTION TO DISMISS
PLAINTIFF’S FIRST AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rules of Civil Procedure Rule 12(b)(6), Defendant MVD Entertainment Group (“Defendant” or “MVD”) moves this Court to dismiss Plaintiff Joseph Mull’s (“Plaintiff”) First Amended Class Action Complaint (“FAC”) on the grounds that Plaintiff has failed to state a claim upon which relief may be granted. MVD incorporates herein its Memorandum of Law in Support of this motion, and for the sake of judicial efficiency, further incorporates the Motion to Dismiss and supporting Memorandum of Law filed by Co-Defendant Old School Ventures, Inc. (“Old School”; ECF No. 21).

In addition to the reasons set forth in the Memorandum of Law filed by Old School, Plaintiff’s single cause of action for violation of the Video Privacy Protection Act, 18 U.S.C. § 2710 (“VPPA”) also fails as to MVD because Plaintiff does not allege facts sufficient to plausibly allege that MVD is a joint venturer with Co-Defendant Gotham Distributing Corporation (“Gotham”), or that MVD controls oldies.com either through Old School or in any other way.

For these reasons, as well as those in the attached Memorandum of Law—which is wholly incorporated herein by reference—MVD respectfully requests that this Court dismiss Plaintiff’s FAC in its entirety with prejudice.

Dated: June 13, 2025

BENESCH, FRIEDLANDER, COPLAN
& ARONOFF LLP

/s/ Noelle B. Torrice

Noelle B. Torrice (PA Bar No. 317928)

1313 North Market Street, Suite 1201

Wilmington, DE 19801

Telephone: (302) 442-7010

Email: ntorrice@beneschlaw.com

*Counsel for Defendant Old School Ventures,
Inc.*